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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 CHARLES STRAIN,

11 Plaintiff,

No. CIV S-05-0474 GEB GGH P

12 vs.

13 R. SANDHAM, et al.,

14 Defendants.

ORDER

15 _____/
16 In the January 23, 2009, order, the court found appointment of counsel for
17 plaintiff to be warranted. Accordingly, the court finds as follows:

18 Efforts to obtain legal representation without order of this court would be futile;

19 1. Plaintiff's income is 125 percent or less of the current poverty threshold
20 established by the Office of Management and Budget of the United States and is otherwise
21 without resources to obtain counsel;

22 2. This case is of a type that attorneys in this district ordinarily do not accept
23 without prepayment of a fee;

24 3. This case is not a fee generating case within the meaning of California Business
25 and Professions Code § 8030.4(g); and

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1 4. This case has sufficient merit to warrant appointment pursuant to General
2 Order No. 230.

3 Therefore, this court orders as follows:

4 1. Timothy Thimesch is appointed as attorney for plaintiff pursuant to General
5 Order No. 230;

6 2. Counsel is directed to contact the Clerk's Office to make arrangements for
7 copies of the file;

8 3. Counsel shall submit all deposition transcript costs for payment pursuant to
9 § 8030.6 of the California Business and Professions Code. All other contemplated costs shall be
10 handled as described in General Order No. 230;

11 4. This case is to be set on this court's law and motion calendar for a status
12 conference within 60 days, pursuant to a stipulation of plaintiff's and defendants' counsel;

13 5. The Clerk shall electronically serve a copy of this order on Timothy Thimesch
14 at tim@thimeschlaw.com.

15 DATED: April 17, 2009

/s/ Gregory G. Hollows

UNITED STATES MAGISTRATE JUDGE

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